

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Gregory et al.)
Reissue of)
Patent No. : 5,597,200)
Issued : January 28, 1997)
For : VARIABLE TEMPERATURE)
SEAT)

REISSUE APPLICATION DECLARATION

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

I, as a named inventor, declare as follows:

1. I am a citizen of the United States. My residence and post office address are 8661 Acacia Drive, Cypress CA 90630.
2. I believe that I am an original, first and co-inventor of the subject matter described and claimed in U.S. Patent No. 5,597,200 ("the '200 patent"), issued January 28, 1997, and of the subject matter disclosed and claimed in the accompanying reissue application.
3. I have reviewed and understand the contents of the specification of the accompanying reissue application.
4. I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56.

5. On information and belief, U.S. Patent No. 5,597,200 is partially inoperable by claiming less than I had a right to claim. Specifically, the insufficiency in the claims resides in the failure to present claims directed to an apparatus for selectively varying the environmental temperature of a seat, the apparatus having a liner placed in an airflow sub-channel wherein the liner has walls with paths therethrough for air to pass through the liner toward a first surface of the seat. At least one of the new claims presented in the reissue application is directed to this feature, while the original claims of the '200 patent are not. Other additional broadened aspects are also defined in the new claims.

6. Turning from the unclaimed subject matter at large to a specific reissue claim, the reissue application includes reissue Claim 22. The newly claimed subject matter of Claim 10 is best understood by a comparison between the original Claim 1 and the reissue Claim 22. Presented below is reissue Claim 2, which illustrates the claim language common to the original Claim 1 and new Claim 22 in plain type, the claim language specific to the new Claim 22 claim in underlined type, and the language specific to the original Claim 1 in bolded, bracketed type:

22. An apparatus for selectively varying the environmental temperature of [a vehicle] an occupant seat while an occupant sits on the seat, comprising:

a support member in the seat [formed from a resilient material, wherein the support member includes:], the support member being formed from a resilient material and having a first surface adjacent an occupant of the seat when the seat is in use and a second surface further away from said occupant when the seat is in use;

an integral airflow [channel] sub-channel [that extends through the support member from a bottom surface to a top surface of the support member, the air flow channel having] extending along the first surface of the support member, the sub-channel having walls, an inlet [at the bottom surface of the support member for receiving temperature conditioned air therein] to receive temperature conditioned air, and [further having] an outlet at the [top surface] first surface of the support member for dispensing temperature-conditioned air therefrom;

a liner placed in the airflow sub-channel, the liner having walls with paths therethrough for air to pass through the liner toward the first surface; and

[at least one air subchannel integral with and extending along a top surface of the support member, wherein the air subchannel is connected with the outlet of the air flow channel; and]

[a] in intermediate porous member which substantially covers the [top surface area] first surface of the support member[, the porous member] and having an interface with the [air] airflow subchannel[; and

a seat cover that substantially encapsulates the porous member to the support member].

The above illustration clearly identifies the differences in the claimed subject matter and evidences the difference in scope between original Claim 1 and reissue Claim 22. No original claim has a scope equal to that defined by reissue Claim 22.

7. On information and belief, all errors being corrected in the reissue application

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arose without any deceptive intent on the part of the Applicant.

I have read and understand the foregoing statements of this Declaration. I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or patent issuing therefrom.

Dated: Jan 27, 1997

By: David H. Heller

David H. Heller

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